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MEMBER OF NEW JERSEY & NEW YORK BAR

November 16, 2021

Honorable Vincent F. Papalia  
United States Bankruptcy Court  
50 Walnut Street  
Newark, NJ 07102

Re: In re: Evaristo Burdiez  
Case No. 20-23664/VFP

Dear Judge Papalia:

This is to respond to Mr. Chavez's letter of yesterday. He is correct that North Jersey's opposition/reply brief was filed out of time. This was my error. I had overlooked that a motion schedule had been entered, and I had instead been guided by the deadlines in Local Rule 9013-2(a), pursuant to which my papers would have been due on November 14, 2021, which was a Sunday. By operation of Bankruptcy Rule 9006 (a)(1)(C), the due date would then have become the following Monday, *i.e.* yesterday, the day that I filed the opposition.<sup>1</sup>

I apologize for my error, and I ask that the Court consider the letter-brief that I filed in the interests of justice.

Thank you for your courtesy in this matter.

Respectfully submitted,

*Jeffrey A. Bronster*

JEFFREY A. BRONSTER

cc: All Counsel and Parties via PACER

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<sup>1</sup> Although not excusing the late filing, North Jersey notes that the scheduling letter submitted by Mr. Chavez on October 16, 2021 is inaccurate and confusing. It states a deadline for him to file opposition and cross-motions, but the only other deadline is for filing "surreplies", a term entirely inapplicable here. No date is stated for North Jersey to file a reply brief, or its opposition to a cross-motion. A surreply is a supplemental filing after all other permitted filings have been made, and permission for such is rarely sought; certainly it has not been in this case.